

REMARKS/ARGUMENTS

The drawings are objected to under 37CFR 1.84 for lack of a reference numeral mentioned in the specification at page 8 line 20. The specification is objected to for various informalities at pages 9 and 10. Claims 12 through 14 are rejected under 35 USC 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Claims 1 through 8 and 10 are rejected under 35 USC 103(a) as being unpatentable over Jett et al. (3,820,722) in view of Tamai (3,887,135). Claims 11, 16 and 17 are rejected under 35 USC 103(a) as being unpatentable over Jett et al. in view of Applicant's admission and further in view of Grey (2,564,686). Claims 12 through 14 are rejected under 35 USC 103(a) as being unpatentable over Jett et al. in view of Applicant's admission and further in view of Grey and further in view of Huber et al. (5,219,097).

The specification has been amended to delete the reference to "outlet 48". This deletion of reference to outlet 48 removes the need setting forth reference 48 in Applicant's drawings. Accordingly, it is believed that the objection to the drawings previously stated by the Examiner is now met. The specification has been further amended at pages 9 and 10 to remove the typographical errors previously noted therein by the Examiner. Claims 1, 10, 11 and 12 have been amended by this Office Action response to meet Examiner's rejection of Applicant's claims. Claims 2 through 8 and 13 through 17 remain as originally presented. Claim 9 has been previously canceled and remains withdrawn from consideration.

With respect to Examiner's rejection of claims 12 through 14 under 35 USC 112 second paragraph, it is believed that Applicant's amendment of claim 12 which removes the term "valve seal" and inserts--valve seat-- meets Examiner's rejection of claims 12 through 14 by providing proper antecedent basis for the limitation valve seat in line 5 of claim 12.

With respect to Examiner's rejections of Applicant's claims under 35 USC 103, it is believed that Examiner's rejections indicate an erroneous believe as to the structure claimed by Applicant and as to the combination of structural elements which result from Examiner's proposed combination of Jett et al and Tamai.

Applicant's structure sets forth use of angled apertures within the interior of the spray nozzle which produce turbulent swirling compressed air flow within the interior of the nozzle causing a turbulent swirling flow of texture material within the nozzle interior. Further, Applicant's angled apertures introduce this turbulent swirling flow of the texture material within the nozzle interior before the discharge of material from the nozzle. Applicant's specification beginning at page 14 line 5 and continuing through page 15 line 2 clearly sets forth this angled aperture air flow turbulence and its action upon the textured material inside the nozzle before it exits the nozzle. Applicant's specification as noted above further sets forth the reasons and benefits for swirling air and texture material within the interior of the nozzle.

In contrast, the swirling air flow of Tamai which Examiner combines with the texture material spray apparatus of Jett et al does not operate in the manner of Applicant's inventive structure. On the contrary, the angled semi-spiral passage ways for gas flow set forth in Tamai operate exclusively upon the sprayed liquid after the liquid has been discharged from the spray nozzle. This method of operation is not suited to the materials of the type sprayed by Applicant's texture material spray. Applicant's inventive structure specifically utilizes this dispersal and swirling action of air flow within the nozzle interior prior to the discharge of the turbulently flowing material to provide spray pattern benefits not realized by prior art structures such as Tamai.

Accordingly, it is believed that Applicant's structure is substantially and patentably distinct from the combination of Jett et al. and Tamai proposed by the Examiner.

It is believed that Applicant's previously presented claims adequately defined this angled aperture structure. However, in order to better distinguish Applicant's claimed invention from the prior art proposed by the Examiner, Applicant has further amended claims 1, 10, 11 and 12 in order to more clearly set forth this inventive structure.

It is believed that the above remarks apply equally well to each of the rejections of Applicant's independent claims set forth by the Examiner. Thus, it is believed that Applicant's claims as amended clearly set forth patentable subject matter and allowance thereof is respectfully requested.

Respectfully Submitted,



Roy A. Ekstrand

Registration No. 27,485
Attorney for the Applicant